



Rep. William Davis

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1 AMENDMENT TO HOUSE BILL 865

2 AMENDMENT NO. _____. Amend House Bill 865 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The MC/DD Act is amended by adding Section
5 3-305.5 as follows:

6 (210 ILCS 46/3-305.5 new)

7 Sec. 3-305.5. Violation of the Nurse Practice Act. A
8 facility that fails to submit any required report under Section
9 85-10 of the Nurse Practice Act is subject to discipline under
10 this Article.

11 Section 10. The Nurse Practice Act is amended by adding
12 Article 85 as follows:

13 (225 ILCS 65/Art. 85 heading new)

14 ARTICLE 85. BASIC SUCTIONING AIDE PILOT PROGRAM

1 (225 ILCS 65/85-5 new)

2 Sec. 85-5. Definitions. For the purposes of this Article
3 only:

4 "Basic suctioning" means the process of using oral
5 suctioning of the upper airway to remove foreign matter, such
6 as mucus, fluids, or blood, which may involve the use of a
7 Yankauer suction catheter.

8 "Basic suctioning aide" means a person who has met the
9 qualifications for licensure under this Article who assists
10 with basic suctioning administration while under the
11 supervision of a registered professional nurse (RN) in a
12 facility licensed under the MC/DD Act.

13 "Qualified employer" means a facility in good standing
14 under the MC/DD Act.

15 (225 ILCS 65/85-10 new)

16 Sec. 85-10. Pilot program.

17 (a) The Department shall administer and enforce a Licensed
18 Basic Suctioning Aide Pilot Program. The program shall last for
19 a period of 3 years, as determined by rule. During the 3-year
20 pilot program, the Department shall license and regulate
21 licensed basic suctioning aides. The Department may consult
22 with the Department of Public Health as necessary to properly
23 administer and enforce this Article.

24 (b) To be approved as a qualified facility for the duration

1 of the pilot program, a facility must:

2 (1) be a licensed facility in good standing under the
3 MC/DD Act;

4 (2) certify that the employment of a licensed basic
5 suctioning aide will not replace or diminish the employment
6 of a registered nurse or licensed practical nurse at the
7 facility;

8 (3) certify that a registered nurse will be on-duty and
9 present in the facility to delegate and supervise the basic
10 suctioning administration by a licensed basic suctioning
11 aide at all times;

12 (4) certify that, with the exception of licensed health
13 care professionals, only licensed basic suctioning aides
14 will be employed in the capacity of administering basic
15 suctioning; and

16 (5) provide information regarding patient safety,
17 efficiency, and errors as determined by the Department;
18 failure to submit any required report may be grounds for
19 discipline or sanctions under this Act or the MC/DD Act.

20 The Department shall submit a report regarding patient
21 safety, efficiency, and errors, as determined by rule, to the
22 General Assembly no later than 6 months after termination of
23 the pilot program.

24 (225 ILCS 65/85-15 new)

25 Sec. 85-15. Licensure requirement; exempt activities.

1 (a) On and after January 1, 2017, no person shall practice
2 as a basic suctioning aide or hold himself or herself out as a
3 licensed basic suctioning aide in this State unless he or she
4 is licensed under this Article.

5 (b) Nothing in this Article shall be construed as
6 preventing or restricting the practice, services, or
7 activities of:

8 (1) any person licensed in this State by any other law
9 from engaging in the profession or occupation for which he
10 or she is licensed;

11 (2) any person employed as a basic suctioning aide by
12 the government of the United States, if such person
13 practices as a basic suctioning aide solely under the
14 direction or control of the organization by which he or she
15 is employed; or

16 (3) any person pursuing a course of study leading to a
17 certificate in basic suctioning at an accredited or
18 approved educational program if such activities and
19 services constitute a part of a supervised course of study
20 and if such person is designated by a title which clearly
21 indicates his or her status as a student or trainee.

22 (c) Nothing in this Article shall be construed to limit the
23 delegation of tasks or duties by a physician, dentist, advanced
24 practice nurse, or podiatric physician as authorized by law.

1 Sec. 85-20. Scope of practice.

2 (a) A licensed basic suctioning aide may only practice in a
3 qualified facility.

4 (b) Licensed basic suctioning aides must be supervised by
5 and receive delegation by a registered nurse that is on-duty
6 and present in the facility at all times.

7 (225 ILCS 65/85-25 new)

8 Sec. 85-25. Unlicensed practice; violation; civil penalty.

9 (a) In addition to any other penalty provided by law, any
10 person who practices, offers to practice, attempts to practice,
11 or holds oneself out to practice as a basic suctioning aide
12 without being licensed under this Act shall, in addition to any
13 other penalty provided by law, pay a civil penalty to the
14 Department in an amount not to exceed \$10,000 for each offense
15 as determined by the Department. The civil penalty shall be
16 assessed by the Department after a hearing is held in
17 accordance with the provisions set forth in this Act regarding
18 the provision of a hearing for the discipline of a licensee.

19 (b) The Department has the authority and power to
20 investigate any and all unlicensed activity.

21 (c) The civil penalty shall be paid within 60 days after
22 the effective date of the order imposing the civil penalty. The
23 order shall constitute a judgment and may be filed and
24 execution had thereon in the same manner as any judgment from
25 any court of record.

1 (225 ILCS 65/85-30 new)

2 Sec. 85-30. Applications for original licensure.
3 Applications for original licensure shall be made to the
4 Department in writing on forms prescribed by the Department and
5 shall be accompanied by the required fee, which shall not be
6 returnable. The application shall require such information as,
7 in the judgment of the Department, will enable the Department
8 to pass on the qualifications of the applicant for licensure.
9 Applicants have 3 years after the date of application to
10 complete the application process. If the process has not been
11 completed within 3 years, the application shall be denied, the
12 fee forfeited, and the applicant must reapply and meet the
13 requirements in effect at the time of reapplication.

14 (225 ILCS 65/85-35 new)

15 Sec. 85-35. Examinations. The Department shall authorize
16 examinations of applicants for a license under this Article at
17 the times and place as it may designate. The examination shall
18 be of a character to give a fair test of the qualifications of
19 the applicant to practice as a basic suctioning aide.

20 Applicants for examination as a basic suctioning aide shall
21 be required to pay, either to the Department or the designated
22 testing service, a fee covering the cost of providing the
23 examination. Failure to appear for the examination on the
24 scheduled date, at the time and place specified, after the

1 applicant's application for examination has been received and
2 acknowledged by the Department or the designated testing
3 service, shall result in the forfeiture of the examination fee.

4 If an applicant fails to pass an examination for
5 registration under this Act within 3 years after filing his or
6 her application, the application shall be denied. The applicant
7 may thereafter make a new application accompanied by the
8 required fee; however, the applicant shall meet all
9 requirements in effect at the time of subsequent application
10 before obtaining licensure. The Department may employ
11 consultants for the purposes of preparing and conducting
12 examinations.

13 (225 ILCS 65/85-40 new)

14 Sec. 85-40. Licensure by examination. An applicant for
15 licensure by examination to practice as a licensed basic
16 suctioning aide must:

17 (1) submit a completed written application on forms
18 provided by the Department and fees as established by the
19 Department;

20 (2) be age 18 or older;

21 (3) have a high school diploma or a certificate of
22 general education development (GED);

23 (4) demonstrate the ability to speak, read, and write
24 the English language, as determined by rule;

25 (5) be currently certified in good standing as a

1 certified nursing assistant;

2 (6) submit to the criminal history records check
3 required under Section 50-35 of this Act;

4 (7) have not engaged in conduct or behavior determined
5 to be grounds for discipline under this Act;

6 (8) be currently certified to perform cardiopulmonary
7 resuscitation by the American Heart Association or
8 American Red Cross;

9 (9) have successfully completed a course of study
10 approved by the Department as defined by rule; to be
11 approved, the program must include a minimum of 8 hours of
12 classroom-based suctioning aide education and a minimum of
13 5 hours of registered nurse-supervised clinical practicum
14 with progressive responsibility of patient suctioning
15 assistance; such course of study and training may be
16 developed by the qualified facility staff with approval by
17 the Department;

18 (10) have successfully completed the Basic Suctioning
19 Aide Certification Examination or other examination
20 authorized by the Department; and

21 (11) submit proof of employment by a qualifying
22 facility.

23 (225 ILCS 65/85-45 new)

24 Sec. 85-45. Expiration of license. The expiration date for
25 each license to practice as a licensed basic suctioning aide

1 shall be set by the rule. Licenses under this Article may not
2 be renewed or restored.

3 (225 ILCS 65/85-50 new)

4 Sec. 85-50. Administration and enforcement. Licenses
5 issued under this Article are subject to Article 70, including
6 grounds for disciplinary action under Section 70-5 of this Act.

7 (225 ILCS 65/85-55 new)

8 Sec. 85-55. Title. Any person who is issued a license as a
9 basic suctioning aide under the terms of this Act shall use the
10 words "licensed basic suctioning aide" in connection with his
11 or her name to denote his or her licensure under this Act.

12 (225 ILCS 65/85-60 new)

13 Sec. 85-60. Rules. The Department shall file rules to
14 administer this Article within 90 days after the effective date
15 of this amendatory Act of the 99th General Assembly.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."